

CHAPTER 35

VETERANS AFFAIRS

35.1	Definitions.	35.8	War orphans educational assistance fund.
35.2	Proof of veteran status for certain veterans.	35.9	Expenditure by department.
35.3	through 35.5 Repealed by 80 Acts, ch 1020, §3.	35.10	Eligibility and payment of assistance.
35.6	Contract with United States department of veterans affairs.	35.11	Expenses chargeable to fund.
35.7	Repealed by 99 Acts, ch 180, §21.	35.12	Veterans counseling program.

35.1 Definitions.

As used in this chapter and chapters 35A through 35D:

1. “*Department*” means the Iowa department of veterans affairs created in section 35A.4.
2. “*Veteran*” means any of the following:
 - a. A resident of this state who served in the armed forces of the United States at any time during the following dates and who was discharged under honorable conditions:
 - (1) World War I from April 6, 1917, through November 11, 1918.
 - (2) Occupation of Germany from November 12, 1918, through July 11, 1923.
 - (3) American expeditionary forces in Siberia from November 12, 1918, through April 30, 1920.
 - (4) Second Haitian suppression of insurrections from 1919 through 1920.
 - (5) Second Nicaragua campaign with marines or navy in Nicaragua or on combatant ships from 1926 through 1933.
 - (6) Yangtze service with navy and marines in Shanghai or in the Yangtze valley from 1926 through 1927 and 1930 through 1932.
 - (7) China service with navy and marines from 1937 through 1939.
 - (8) World War II from December 7, 1941, through December 31, 1946.
 - (9) Korean Conflict from June 25, 1950, through January 31, 1955.
 - (10) Vietnam Conflict from February 28, 1961, through May 7, 1975.
 - (11) Lebanon or Grenada service from August 24, 1982, through July 31, 1984.
 - (12) Panama service from December 20, 1989, through January 31, 1990.
 - (13) Persian Gulf Conflict from August 2, 1990, through the date the president or the Congress of the United States declares a cessation of hostilities. However, if the United States Congress enacts a date different from August 2, 1990, as the beginning of the Persian Gulf Conflict for purposes of determining whether a veteran is entitled to receive military benefits as a veteran of the Persian Gulf Conflict, that date shall be substituted for August 2, 1990.
 - b. (1) Former members of the reserve forces of the United States who served at least twenty years in the reserve forces and who were discharged under honorable conditions. However, a member of the reserve forces of the United States who completed a minimum aggregate of ninety days of active federal service, other than training, and was discharged under honorable conditions, or was retired under Tit. 10 of the United States Code shall be included as a veteran.
 - (2) Former members of the Iowa national guard who served at least twenty years in the Iowa national guard and who were discharged under honorable conditions. However, a member of the Iowa national guard who was activated for federal duty, other than training, for a minimum aggregate of ninety days, and was discharged under honorable conditions or was retired under Tit. 10 of the United States Code shall be included as a veteran.
 - (3) Former members of the active, oceangoing merchant marines who served during World War II at any time between December 7, 1941, and December 31, 1946, both dates inclusive, who were discharged under honorable conditions.
 - (4) Former members of the women's air force service pilots and other persons who have been conferred veterans status based on their civilian duties during World War II in accordance with federal Pub. L. No. 95-202, 38 U.S.C. § 106.
 - (5) Former members of the armed forces of the United States if any portion of their term of

enlistment would have occurred during the time period of the Korean Conflict from June 25, 1950, through January 31, 1955, but who instead opted to serve five years in the reserve forces of the United States, as allowed by federal law, and who were discharged under honorable conditions.

(6) Members of the reserve forces of the United States who have served at least twenty years in the reserve forces and who continue to serve in the reserve forces.

(7) Members of the Iowa national guard who have served at least twenty years in the Iowa national guard and who continue to serve in the Iowa national guard.

c. A resident of this state who served on active federal service, other than training, in the armed forces of the United States and who was discharged under honorable conditions.

99 Acts, ch 180, §2; 2003 Acts, ch 142, §4, 11; 2005 Acts, ch 115, §2 – 4, 40; 2009 Acts, ch 164, §1, 7; 2010 Acts, ch 1061, §180

[T] 2009 amendment to subsection 2 takes effect July 1, 2010; 2009 Acts, ch 164, §7

[T] See Code editor's note to §8A.402 at the end of Vol VI

[T] Federal Act reference updated pursuant to Code editor directive

[T] Subsection 2 amended

35.2 Proof of veteran status for certain veterans.

In order to fulfill any eligibility requirements under Iowa law pertaining to veteran status, a veteran described in section 35.1, subsection 2, paragraph “b”, subparagraph (6) or (7), shall submit the veteran's retirement points accounting statement issued by the armed forces of the United States, the state adjutant general, or the adjutant general of any other state, to confirm that the person has completed twenty years of service with the reserve forces or the national guard.

2005 Acts, ch 115, §5, 40

35.3 through 35.5 Repealed by 80 Acts, ch 1020, § 3.

35.6 Contract with United States department of veterans affairs.

A state agency or a political subdivision of this state operating a hospital or medical facility may contract with the United States department of veterans affairs to receive and to provide medical services to patients who are the responsibility of a United States department of veterans affairs hospital or medical facility in the same jurisdiction or medical service area.

88 Acts, ch 1011, §1; 2009 Acts, ch 26, §2

35.7 Repealed by 99 Acts, ch 180, § 21.

35.8 War orphans educational assistance fund.

A war orphans educational assistance fund is created as a separate fund in the state treasury under the control of the department of veterans affairs. Any money appropriated for the purpose of assisting in the education of orphaned children of veterans, as defined in section 35.1, or the education of a child as provided in section 35.9, subsection 2, shall be deposited in the war orphans educational assistance fund. Notwithstanding section 8.33, any unexpended or unencumbered moneys remaining in the fund at the end of the fiscal year shall not revert, but shall remain available for expenditure for purposes of this section in succeeding fiscal years.

[C39, §482.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §35.8]

99 Acts, ch 180, §3; 2005 Acts, ch 115, §6, 40; 2006 Acts, ch 1182, §35; 2008 Acts, ch 1064, §1, 3

[SP] 2008 amendment to this section takes effect April 11, 2008, and applies retroactively to July 1, 2007; 2008 Acts, ch 1064, §3

35.9 Expenditure by department.

1. a. The department may expend not more than six hundred dollars per year for any one child who has lived in the state of Iowa for two years preceding application for state educational assistance, and who is the child of a person who died prior to September 11, 2001, during active federal military service while serving in the armed forces or during active federal military service in the Iowa national guard or other military component of the United States, to defray the expenses of tuition, matriculation, laboratory and similar fees, books and

supplies, board, lodging, and any other reasonably necessary expense for the child or children incident to attendance in this state at an educational or training institution of college grade, or in a business or vocational training school with standards approved by the department.

b. A child eligible to receive funds under this section shall not receive more than three thousand dollars under this subsection during the child's lifetime.

2. a. Upon application by a child who is less than thirty-one years of age, and who is the child of a person who died on or after September 11, 2001, during active federal military service while serving in the armed forces or during active federal military service in the Iowa national guard or other military component of the United States, and who at the time of entering into active military service had maintained the person's residence in the state for a period of at least six months immediately before entering into active military service, the department shall provide state educational assistance in an amount of no more than the highest resident undergraduate tuition rate established per year for an institution of higher learning under the control of the state board of regents less the amount of any state and federal education benefits, grants, or scholarships received by the child, or the amount of the child's established financial need, whichever is less, to defray the expenses of tuition at any postsecondary educational institution in this state.

b. A child eligible to receive state educational assistance under this subsection shall begin postsecondary education prior to reaching age twenty-six, shall not receive more than an amount equal to five times the highest resident undergraduate tuition rate established per year for an institution of higher learning under the control of the state board of regents during the child's lifetime, and shall, to remain eligible for assistance, meet the academic progress standards of the postsecondary educational institution. Payments for state educational assistance for a child under this subsection shall be made to the applicable postsecondary educational institution. The college student aid commission may, if requested, assist the department in administering this subsection.

[C39, §482.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §35.9]

92 Acts, ch 1140, §5; 94 Acts, ch 1200, §9; 99 Acts, ch 180, §4; 2005 Acts, ch 115, §7, 40; 2006 Acts, ch 1182, §36; 2008 Acts, ch 1032, §7; 2008 Acts, ch 1064, §2, 3

[SP] 2008 amendments to subsection 2 take effect April 11, 2008, and apply retroactively to July 1, 2007; 2008 Acts, ch 1064, §3

35.10 Eligibility and payment of assistance.

Eligibility for assistance shall be determined upon application to the department of veterans affairs, whose decision is final. The eligibility of eligible applicants shall be certified by the department of veterans affairs to the director of the department of administrative services, and all amounts that are or become due to an individual or a training institution under this chapter shall be paid to the individual or institution by the director of the department of administrative services upon receipt by the director of certification by the president or governing board of the educational or training institution as to accuracy of charges made, and as to the attendance of the individual at the educational or training institution. The department of veterans affairs may pay over the annual sum set forth in section 35.9 to the educational or training institution in a lump sum, or in installments as the circumstances warrant, upon receiving from the institution such written undertaking as the department may require to assure the use of funds for the child for the authorized purposes and for no other purpose. A person is not eligible for the benefits of this chapter until the person has graduated from a high school or educational institution offering a course of training equivalent to high school training.

[C39, §482.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §35.10]

92 Acts, ch 1140, §6; 2003 Acts, ch 145, §286; 2005 Acts, ch 115, §8, 40; 2006 Acts, ch 1030, §10; 2006 Acts, ch 1182, §37

35.11 Expenses chargeable to fund.

Any expense incurred in carrying out the provisions of this chapter shall be chargeable to this fund.

[C39, §482.11; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §35.11]

35.12 Veterans counseling program.

1. The department shall coordinate with United States department of veterans affairs hospitals, health care facilities, and clinics in this state and the department of public health to provide assistance to veterans and their families to reduce the incidence of alcohol and chemical dependency and suicide among veterans and to make mental health counseling available to veterans.

2. The assistance program shall include but not be limited to the following:

a. Public education and awareness programs for veterans, health care professionals, and the public, relative to the needs of veterans.

b. Referral services to identify appropriate counseling and treatment programs for veterans in need of services.

3. Any assistance program established pursuant to this section shall be implemented in a manner that does not duplicate other services readily available to veterans.

2007 Acts, ch 202, §1; 2009 Acts, ch 26, §3